

21 C.J.S. Courts § 7

Corpus Juris Secundum | May 2023 Update

Courts

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I. In General

B. General Classification of Courts

§ 7. Courts of special or limited jurisdiction

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  26(1), 33, 123 to 158.1, 159, 161, 174.1

Courts of limited or special jurisdiction are those which can take cognizance of only specified matters, including inferior or local state courts.

Courts of limited or special jurisdiction are those which can take cognizance of specified matters only,¹ such as inferior courts,² exclusively criminal courts,³ a court of claims,⁴ a chancery or equity court,⁵ a small claims court,⁶ a municipal court,⁷ a family court,⁸ a juvenile court,⁹ a probate court,¹⁰ a housing court,¹¹ a workers' compensation court,¹² or a justice court.¹³ Federal courts are courts of limited jurisdiction, having jurisdiction to hear cases authorized by the Federal Constitution or federal statutes.¹⁴

A grant of power to a court of limited jurisdiction may be express or implied but is limited to that which is reasonably necessary to make the express power effective.¹⁵ Courts of limited jurisdiction may not use generally granted powers to inflate their jurisdiction beyond that bestowed.¹⁶

When a court of general jurisdiction proceeds under a special statute it becomes a court of limited jurisdiction for the purpose of such proceeding and is limited to the authority given by the statute.¹⁷

CUMULATIVE SUPPLEMENT

Cases:

Determining contested facts is for the trial courts, not courts of appeal. *Matter of Elaine Emma Short Revocable Living Trust Agreement Dated July 17, 1984*, 147 Haw. 456, 465 P.3d 903 (2020).

[END OF SUPPLEMENT]

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Footnotes

- 1 Conn.—*Geremia v. Geremia*, 159 Conn. App. 751, 125 A.3d 549 (2015).

Ill.—*Joseph Const. Co. v. Board of Trustees of Governors State University*, 2012 IL App (3d) 110379, 362 Ill. Dec. 386, 973 N.E.2d 486, 283 Ed. Law Rep. 1092 (App. Ct. 3d Dist. 2012).

N.H.—*Federal Home Loan Mortgage Corporation v. Willette*, 131 A.3d 950 (N.H. 2016).

Tex.—*Gonzalez v. Wells Fargo Bank, N.A.*, 441 S.W.3d 709 (Tex. App. El Paso 2014).
- 2 Wash.—*Lakeside Industries v. Thurston County*, 119 Wash. App. 886, 83 P.3d 433 (Div. 2 2004), as amended, (Feb. 24, 2004).
- 3 Tenn.—*Clinton Books, Inc. v. City of Memphis*, 197 S.W.3d 749 (Tenn. 2006).

Tex.—*Texas Dept. of Public Safety v. Styron*, 226 S.W.3d 576 (Tex. App. Houston 1st Dist. 2007).

As to the criminal jurisdiction of courts, see C.J.S., Criminal Law §§ 189 to 222.
- 4 Ill.—*Joseph Const. Co. v. Board of Trustees of Governors State University*, 2012 IL App (3d) 110379, 362 Ill. Dec. 386, 973 N.E.2d 486, 283 Ed. Law Rep. 1092 (App. Ct. 3d Dist. 2012).

Ohio—*State ex rel. Cordray v. Court of Claims of Ohio*, 190 Ohio App. 3d 161, 2010-Ohio-4437, 941 N.E.2d 93 (10th Dist. Franklin County 2010), judgment *aff'd*, 130 Ohio St. 3d 244, 2011-Ohio-5283, 957 N.E.2d 280 (2011).

As to state claims courts, see C.J.S., States §§ 499 to 534.
- 5 Miss.—*RAS Family Partners, LP v. Onnam Biloxi, LLC*, 968 So. 2d 926 (Miss. 2007).
- 6 Cal.—*Dorsey v. Superior Court*, 241 Cal. App. 4th 583, 193 Cal. Rptr. 3d 834 (4th Dist. 2015).

Neb.—*Flodman v. Robinson*, 22 Neb. App. 943, 864 N.W.2d 716 (2015).
- 7 Kan.—*State v. Elliott*, 281 Kan. 583, 133 P.3d 1253 (2006).
- 8 Del.—*Hunt v. Division of Family Services*, 2015 WL 5472285 (Del. 2015).

W. Va.—*Allen v. Allen*, 226 W. Va. 384, 701 S.E.2d 106 (2009).
- 9 Cal.—*In re Alexandria M.*, 156 Cal. App. 4th 1088, 68 Cal. Rptr. 3d 10 (4th Dist. 2007), as modified on other grounds, (Nov. 13, 2007).
- 10 Conn.—*Geremia v. Geremia*, 159 Conn. App. 751, 125 A.3d 549 (2015).
- 11 Mass.—*Murphy v. Miller*, 75 Mass. App. Ct. 210, 913 N.E.2d 379 (2009).

- 12 Mont.—Thompson v. State, 2007 MT 185, 338 Mont. 511, 167 P.3d 867 (2007).
- 13 Tex.—Gonzalez v. Wells Fargo Bank, N.A., 441 S.W.3d 709 (Tex. App. El Paso 2014).
- As to justices of the peace, powers, duties, jurisdiction, and procedure, see C.J.S., Justices of the Peace §§ 24 to 28, 42 to 300.
- 14 U.S.—Frontera Resources Azerbaijan Corp. v. State Oil Co. of Azerbaijan Republic, 582 F.3d 393 (2d Cir. 2009); Nowlin v. U.S., 81 F. Supp. 3d 514 (N.D. Miss. 2015).
- As to federal courts, judicial power and jurisdiction, generally, see C.J.S., Federal Courts §§ 1 to 166.
- 15 Ohio—State ex rel. Cordray v. Court of Claims of Ohio, 190 Ohio App. 3d 161, 2010-Ohio-4437, 941 N.E.2d 93 (10th Dist. Franklin County 2010), judgment aff'd, 130 Ohio St. 3d 244, 2011-Ohio-5283, 957 N.E.2d 280 (2011).
- 16 N.Y.—Doe v. Smith, 29 Misc. 3d 530, 907 N.Y.S.2d 588 (Sup 2010).
- 17 Mo.—Reid v. Steelman, 210 S.W.3d 273 (Mo. Ct. App. W.D. 2006).

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